

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

NICK VLAHAKIS,

Plaintiff,

v.

PEPSI-COLA METROPOLITAN
BOTTLING COMPANY, INC.,

Defendant.

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Civil Action No. 3:13-cv-555

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that PEPSI-COLA METROPOLITAN BOTTLING COMPANY, INC., Defendant, removes this action from the Chancery Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee, Knoxville Division. In support of this removal, Defendant represents the following:

1. The named Defendant in this action is Pepsi-Cola Metropolitan Bottling Company, Inc., a New Jersey Corporation with its principal place of business at 1 Pepsi Way, Somers, New York 10581.

2. This is a civil action, originally styled Case No. 1858281, and filed in the Chancery Court for Knox County, Tennessee, a court encompassed by the Knoxville Division of the Eastern District of Tennessee. Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Eastern District of Tennessee Knoxville Division is the federal district court for the district and division embracing the place where the state court action is pending.

3. In compliance with 28 U.S.C. §1446(a), copies of all process and pleadings and orders served upon Defendant in the state-court action are attached. See Exhibit 1.

4. Other than the Plaintiff's Complaint, no proceedings have been had in this matter.

5. This Notice of Removal is filed within thirty (30) days of receipt by Defendant of the Complaint, which was filed in the Knox County Chancery Court on August 9, 2013, and wherein Plaintiff named Defendant Pepsi-Cola Metropolitan Bottling Company, Inc., a diverse party, as the sole defendant. Removal is therefore timely under 28 U.S.C. §1446(b).

6. Defendant represents that a copy of this Notice of Removal will be filed with the Clerk of the Knox County Chancery Court, promptly after the filing of this Notice of Removal, as required by 28 U.S.C. § 1446(d). See Exhibit 2 (Notice of Filing of Removal to Federal Court being filed in state court).

7. There is diversity of citizenship between the Plaintiff and Defendant and complete diversity existed between Plaintiff and Defendant at the time the state court action was commenced. Plaintiff, by his pleadings, judicially admits that he is a resident and citizen of the State of Tennessee. Defendant, in contrast, was at the time of the filing of the Complaint and at all other times pertinent hereto a business corporation incorporated under the laws of the State of New Jersey, with its principal place of business located at 1 Pepsi Way, Somers, New York 10581 and, therefore, is not a citizen of Tennessee for diversity and removal purposes pursuant to the provisions of 28 U.S.C. §1332(c)(1).

8. The matter in controversy exceeds the minimum jurisdictional amount for removal to federal court on the basis of diversity. Plaintiff, in particular, seeks by his lawsuit \$850,000.00, which vastly exceeds the jurisdictional threshold amount of \$75,000.00.

9. This is a civil action alleging a public policy tort claim of retaliatory discharge over which this Court has jurisdiction, on the basis of diversity of citizenship, and may therefore be removed to this Court, pursuant to 28 U.S.C. §§ 1332 and 1441.

10. A civil cover sheet for this matter is attached as Exhibit 3.

WHEREFORE, Defendant prays that this action be removed to this Court and that this Court accept jurisdiction and henceforth place this action on the Court's docket for further proceedings.

Respectfully submitted this 18th day of September, 2013.

PEPSI-COLA METROPOLITAN
BOTTLING COMPANY, INC.

By: /s Jerome D. Pinn
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2013, a copy of the foregoing Notice of Removal has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Jerome D. Pinn
Jerome D. Pinn